Foreign Agricultural Service
GAIN Report
Global Agriculture Information Network

Required Report - public distribution

Date: 8/22/2003

GAIN Report #BE3033

Belgium-Luxembourg

Food and Agricultural Import Regulations and Standards

Country Report

2003

Approved by:
Morgan A. Perkins
U.S. Embassy
Prepared by:
Yvan Polet

Report Highlights:
This report outlines the requirements for food and agricultural imports into Belgium. The report is meant to assist U.S. exporters with labeling, lists of permitted ingredients, packaging rules and import documentation requirements. It also provides contact information for Belgian government and inspection services which oversee and control the importing process.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
The Hague [NL1], BE

Table of Contents

local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. Food Laws

Harmonization within the EU

Originally created as a customs union, the EU is slowly becoming a single market and is harmonizing legislation between the 15 Member States. Regulation EC No 178/2002, published in January 2002, sets out the general principles and requirements of EU harmonized food law. Imported products must meet existing Member State requirements in cases where EU regulatory harmonization is not yet complete.

The EU has followed a dual approach in harmonizing food laws. "Horizontal" legislation covers aspects which are common to all food products. "Vertical" legislation covers aspects which are product specific. Still under discussion are legislative initiatives for issues such as standards for vitamins, fortified foods (allowed in some Member States and prohibited in others), minerals, certain pesticide residues and requirements for allergen labeling.

Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation: there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or certain aspects which are not regulated in detail at EU level may be handled differently in different Member States. In addition, there is a wide variation in inspection fees, registration fees and in the time required to evaluate dossiers on products used in the course of the food production process. (www.useu.be/agri/harmonization.html)

Belgium

The "Law of 01/25/1977 on Food and Other Products for the Protection of the Consumer" provides the Belgian regulatory framework for all food products. This law is applicable to domestically produced and imported food and other products including tobacco and cosmetic products. The main objectives of this law are (1) health protection, (2) product safety (3) ensuring that consumers have adequate and correct information and (4) promotion of fair trade. All amendments and supplementary food laws are published in "Het Belgisch Staatsblad/Le Moniteur Belge", which can be consulted on www.staatsblad.be or www.moniteur.be.

The Directorate-General for Control of the Belgian "Agency for the Safety of the Food Chain" (FAVV) (www.favv.be) has responsibility for food controls. Both veterinary inspection and food inspection are within the domain of FAVV. The FAVV is overseen by the Ministry of Social Affairs and Public Health. The Federal Public Health Service of the same Ministry (FPS Health) (www.health.fgov.be) is in charge of policy and legislation on food issues.

Federal Agency for the Safety of the Food Chain (FAVV)
WTC III, 2de verdieping
Simon Bolivarlaan 30

B-1000 Brussel
Tel: +32 2 208 34 11
E-mail: Info@favv.be
www.favv.be

Federal Public Service of Public Health
DG Animals, Plants and Food
Rijksadministratief Centrum
Arcadengebouw, 3-6th floor
B-1010 Brussels
Tel.: +32 2 210 50 60
Fax.: +32 2 210 52 40
e-mail: apf.dg@health.fgov.be
www.health.fgov.be

Section II. Labeling Requirements

In Belgium, language issues have been very sensitive for many decades. This sensitivity has been reflected in the language requirements for labeling of food and products. French language on labels is required in the Walloon area, Dutch language is required in the Flemish area and some German language requirements exist for the small German-speaking community. In the bi-lingual Brussels area, both Dutch and French language is required on labels. Considering how small the market is, most food companies only use bi-lingual Dutch/French labels and many use tri-lingual Dutch/French/German labels. OAA strongly recommends that U.S. exporters adopt the latter option as it will allow for products to be marketed in Belgium, Luxembourg, The Netherlands, France, Germany and Austria.

A General Requirements

1. Scope of Labeling Law

General rules on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in European Parliament and Council Directive 2000/13/EC + corrigendum (English version of Annex III). This new directive consolidates general labeling directive 79/112/EEC and all its amendments in a single text. It applies to food products intended for supply to restaurants, hospitals and other similar mass caterers (food service) and to food products intended for sale to the ultimate consumer (food retail). (www.useu.be/agri/label.html)

Due to Belgian adoption of EU legislation concerning food labeling, Belgian labeling standards are harmonized with that of the EU and other member countries. In Belgium, these requirements have been laid down in Royal Decree of 09/13/1999 concerning labeling of prepackaged food products and Royal Decree of 04/17/1980, as amended, concerning publicity for food products.

1.1 Generic Conditions

Applies not only to food products intended for sale to the consumer but also for food products to be used by the food service industry.

1.2 The Description

The description of the food product has to ensure that the buyer understands the nature of the product and its composition.

1.3 Listings

1.3.1 Ingredients

All ingredients should be listed, in descending order of weight. In general, ingredients have to be listed under their specific names. However, for some categories of ingredients (natural ingredients or foodstuffs) generic names may be used. (See www.useu.be/agri/label.html)

Additives must be listed by their customary names or by their E-number (EC registration number); this has to be preceded by the name of the additive category (See Section 4, Additives, below). Sometimes an additive can be used for more than one function. In that case the manufacturer of the food in question should mention on the label the category that corresponds to the application. Additives carried over from ingredients must be declared only if they have an effect on the final product. Declaration of processing aids, solvents, etc., used in the production process, is not required. In the event that special emphasis is placed on the presence or the high or low content of an ingredient, the percentage must be stated in the list of ingredients.

1.3.2 Net Quantity

The Net Quantity is the quantity the food product contains. Fluid food products or food products that can be drunk require a liter (l), a centiliter (cl) or a milliliter (ml) indication on the label. Other food products are expressed on the label in grams (g) or kilograms (kg).

The mentioned net quantity is to be considered as a minimum, applicable to each individual packaging. It is, however, possible to employ a system of declaration of the average net quantity. In this case, net content must be labeled in combination with the character “e,” for example: e 500 g.

The e-system may only be used on the basis of specific requirements concerning the acceptable variations and of the certification of a detailed control system. This system must be managed by the Belgian packer or importer as ruled by Royal Decree of 12/28/1979 and Royal Decree of 09/12/1980. (See also www.useu.be/agri/label.html#Weight)

1.3.3 Other Listings

- Irradiated Products:

Harmonization of EU rules on food irradiation is still at an initial stage and U.S. exporters of irradiated foodstuffs should check individual EU Member State legislation for compliance.

For Belgium, it is governed by Royal Decree of 03/12/2002: If the product or product ingredient has been irradiated, this must be stated by mentioning the Dutch word(s) "doorstraald", "door straling behandeld" or "met ioniserende straling behandeld" or the French words "traité par rayonnements ionisants" or "traité par ionisation". (www.useu.be/agri/irradiation.html)

- Quantitative Ingredients Declaration (QUID):

Quantitative ingredients declaration is mandatory in the following cases:

• Where the ingredient or category of ingredients appears in the name under which the foodstuff is sold: e.g. strawberry

ice cream - QUID for strawberries; or fruit pie - QUID for total fruit content.
• Where the ingredient or category of ingredients is usually associated with that name by the consumer: e.g. goulash soup - QUID for beef
• Where the ingredient or category of ingredients is emphasized on the labeling in words (e.g. "made with butter"), pictures (e.g. of a cow to emphasize dairy ingredients) or graphics (different size, color and/or style of print)
• Where the ingredient or category of ingredients is essential to characterize a foodstuff and to distinguish it from similar products
(www.useu.be/agri/label.html#QUID)

- Instruction for storage and/or use:
This instruction must be supplied if there is a risk for incorrect storage or use. It can be omitted if storage and/or use is a matter of course.

- Name and Address of Manufacturer, Packer or Vendor:
The name or business name and address of the manufacturer, packager or vendor established within the Community

- Percentage of Alcohol:
If the level exceeds 1.2%, the alcohol percentage has to be mentioned, "alcohol" or "alc." or "% vol."

- Lot Marking:
Council Directive 89/396/EEC, converted in Belgian law by Royal Decree of 02/09/1990, requires that foodstuffs carry a mark identifying the lot to which a foodstuff belongs. It defines "lot" as a batch of sales units of a foodstuff produced, manufactured or packaged under practically the same conditions. The indication to identify the lot should be determined by the producer, manufacturer or packager or by the first seller in the EU. The marking shall be preceded by the letter "L" except in cases when it is clearly distinguishable from other indications on the label. The lot identification is not necessary if the date (day and month) of minimum durability or "use by" date, appears in uncoded form on the label.

- Frozen:
If the product is frozen and should be stored in a freezer, the word "diepvries"/"surgelé"/"tiefgefroren" or "Tiefkühlkost" should be mentioned near the product name/designation. Additionally, it must be mentioned that thawed products may not be frozen again: "na ontdooiing niet opnieuw invriezen"/"ne pas recongeler après décongélation." (Royal Decree of 12/05/1990 converting Council Directive 89/108/CEE)(www.useu.be/agri/frozen.html)

- Artificial/intensive Sweeteners:
The use of artificial sweeteners must be mentioned near the product name/designation by the words "met zoetstoffen."/"avec édulcurants" If a combination of sugars and sweeteners has been added, the words "met suikers en zoetstoffen"/"avec sucre et édulcurants" must be mentioned here. (Directive 96/21/EC converted by Royal Decree of 09/13/1999)

- Aspartame:
the words "bevat een bron van phenylalanine"/"contient une source de phénylalanine" should be mentioned. (Directive 94/35/EC converted by Royal Decree of 09/13/1999)

- Polyols:
If the content in polyols exceeds 10 percent the mention "overmatig gebruik kan een laxerende werking hebben" / "une consommation excessive peut avoir des effets laxatifs" must be displayed.

- Packaged in a Protective Atmosphere:
For foodstuffs whose durability has been extended by means of packaging gases (in conformity with EC council directive 89/107), the words "verpakt onder beschermende atmosfeer" / "conditionné sous atmosphère protectrice" must be included on the label. (Directive 94/54/EC adopted by Royal Decree of 09/13/1999)

- Biotech Food and Feed:
On July 2, 2003, the European Parliament voted the "Labeling and Traceability" proposal. This proposal mandates that all food, feed and processed products "produced from Genetically Modified Organisms" must be labeled, including products that no longer contain detectable traces of modified DNA. Labeling is not needed for products with an adventitious presence below 0.9 percent of EU-approved biotech varieties and below 0.5 percent of varieties that have received a positive EU risk assessment but have not been approved. (www.useu.be/agri/GMOs.html)

- Product Specific labeling requirements exist for: (www.useu.be/agri/label.html)
• cocoa and chocolate products, sugars, honey, fruit juices and similar products, preserved milk, coffee extracts and chicory extracts, fruit jam, jellies, marmalades and chestnut puree. These are covered by Vertical Legislation.
• infant and follow-on formula, cereal-based baby and infants foods, meal replacers for use in energy-restricted diets, medical foods. These are covered by Foods Intended for Particular Nutritional Uses.

2. Specify Languages (see above)

3. Standard US Label
The standard US label fails to comply with EU and Belgian labeling requirements.

4. Stick-on labels
Stick-on labels in addition to the standard US label can only be used on a temporary basis. In this case, the stick-on label shall meet all Belgian labeling requirements.

5. Enforcement of labeling regulations
The labeling requirements mentioned refer to products destined for the consumer (retail stage). For packaged foods not intended for retail distribution and for goods destined for institutional food service such as in hospitals, homes for the elderly and restaurants, the external packaging must mention at least: designation/name, batch identification code, name and address of the producer/ packer or seller and minimum shelf-life. All other labeling information referred to above must be mentioned in accompanying documents. For products destined for a reprocessing or repacking plant, only mention of the designation (name) and the batch identification number is required. However, the exporter has to make sure there are no possible doubts that the product could end up with consumers. If doubts are possible, because of i.e. packaging size, then border inspection may
reject the shipment.

6. Samples

EU legislation provides no specific labeling requirements or exceptions for samples.

7. Claims

Royal Decree of 04/17/1980 establishes rules on food publicity and claims. Information and claims may not be misleading. Claims like "organic","pure", "natural" are only allowed if products fully comply with all applicable regulations. Medical claims are forbidden for foods. Claims for additives are forbidden if the additives were added for a technological or organoleptic reason. The absence of an additive must not be indicated if another additive from the same group is included. This decree also describes what additve claims are permitted and under what conditions.

8. Shelf-life or Country-of-origin requirements

8.1 Date of Minimum Shelf-life/Last day of consumption

If the date is influenced by the method of storage, prescribed storage and handling must be mentioned on the label. The statements to be used are the following:

• Minimum Durability	
Tenminste houdbaar tot: A consommer de préférence avant le	Day, Month, Year For a shelf-life up to 3 month after the date of packing
Tenminste houdbaar tot einde: A consommer de préférence avant fin:	Month, year For a shelf-life between 3 and 18 months
Tenminste houdbaar tot einde: A consommer de préférence avant fin:	Year For a shelf-life longer than 18 months
• Use by Date	
Te gebruiken tot: A consommer jusqu'au	Last day

(see art. 9 of 2000/13/EC)

8.2 Place of Origin

Must be mentioned, for example as "Geproduceerd in de USA" / "Produit aux Etats-Unis"

B Requirements Specific To Nutritional Labeling

1. Nutritional Labeling Requirements

Nutritional labeling is regulated on a EC level (EC Directive 90/496/EEG). Nutritional labeling is voluntary unless a nutritional claim is made, on the basis of which nutritional labeling becomes compulsory and must be provided in a prescribed format. "Nutrition Labeling" means any information on the label that relates to energy value and to the following nutrients: protein, carbohydrate, fat, fibre, sodium, vitamins and minerals present in significant amounts. This information and the format differ from those of the standard US nutritional fact panel, which cannot be used for Belgium and the rest of the EU. (http://www.useu.be/agri/label.html#Nutrition)

Where nutritional labeling is provided, the information to be given should consist of either group 1 or group 2 in the following order:

Group 1: energy value
amount of protein, carbohydrate and fat

Group 2: energy value
amount of protein, carbohydrate, sugar, fat, saturates, fibre and sodium.

The energy and the proportion of nutrients must be declared in specific units per 100 grams or per 100 milliliters. Information on vitamins and minerals must be expressed as a percentage of the recommended daily allowance (RDA) for normal adults.

The Information on the label must be presented in tabular form with the numbers aligned or if space does not permit, in linear form in a language easily understood by the purchaser.

2. Nutrient Content Claims

A "Nutrition Claim" means any representation or advertising that claims that a foodstuff had particular nutritional properties and is only allowed if it relates to the energy value and/or the following nutrients: protein, carbohydrate, fat, fibre, sodium, vitamins and minerals present in significant amounts. (www.useu.be/agri/partnutr.html)

There are no provisions concerning nutritional claims on a EU level. Belgian provisions are formulated in Royal Decree of 02/18/1991, as amended, concerning the following claims:

- Low energy value (energy content must not exceed 50kJ (12kcal) per 100g (100ml))
- High protein content (at least 10% for beverages and at least 60% for solid foods)
- Gluten free (produced from gluten free grains or cereals from which gluten were extracted)
- Reduced sodium/salt (depending on the product)
- Dietetic hypocaloric foods (substitution meals)

3. Implied Claims

Such claims are only allowed if claims can be proven.

4. Health Claims

Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the Belgian Royal Decree of 04/17/1980.

Section III. Packaging and Container Regulations

1. Packaging or container size requirements or preferences

Council Directive 76/211/EEC provides rules for container sizes, acceptable tolerances on container content and requirements for the size of the figures indicating container content. (www.useu.be/agri/packaging.html)

The Royal Decree of 12/28/1979 implements Council Directive 76/211/EEC into Belgian law. This law sets standards for quantity indications for food containers.

Weight of contents	Capacity of contents	Volume of contents	Minimum size of numbers
Not exceeding 50 g	Not exceeding 5 cl	Not exceeding 5 cl	2 mm

Exceeding 50 g, not exceeding 200 g	Exceeding 5 cl, not exceeding 20 cl	Exceeding 5 cl, not exceeding 200 cl	3 mm
Exceeding 200 g, not exceeding 1 kg	Exceeding 20 cl, not exceeding 1 liter	Exceeding 200 cl, not exceeding 1000 cl	4 mm
Exceeding 1 kg	Exceeding 1 liter	Exceeding 1000 cl	6 mm

The Royal Decree of 02/16/1982, implementing Council Directive 80/232/EEC, prescribes allowable container sizes for butter, fresh cheeses, salt, sugar, breakfast cereals, pasta, rice, dried fruits and vegetables, coffee, frozen fruits and vegetables, fish fillets, fish fingers, ice-cream, preserved fruits and vegetables and products sold in metal containers. (www.staatsblad.be)

2. Product Recycling Regulations

Member States are required to take measures to limit packaging waste and must introduce systems for re-use, recovery and recycling of packaging materials (Council Directive 94/62/EC). Commission Decision 2001/524/EC relates to the publication of references for certain EN standards in the Official Journal which do not fully meet the essential requirements of Directive 94/62/EC. To facilitate collection, re-use and recovery including recycling, an identification system for packaging has been drawn up (Commission Decision 97/129/EC). Its use is voluntary. (http://www.useu.be/agri/packaging.html)

3. Restrictions or limitations on the use of any packaging materials

The Royal Decree of 05/11/1992, implementing Council Directive 89/109/EEC, specifies the common rules for materials that come into contact with foodstuffs and provides specific directives including lists of authorized substances, conditions of use, migration limits and purity standards. To date, specific directives have been developed for vinyl chloride, plastics, regenerated cellulose film, ceramics and the use of certain epoxy derivatives in plastic materials, surface coatings and adhesives. In the case of ceramics, migration limits have been established for two of their constituents, namely lead and cadmium. Materials must bear an indication "for food use" , which can be replaced by the specific symbol designed in Council Directive 80/590/EEC. (http://www.useu.be/agri/packaging.html)

Section IV. Food Additive Regulations

1. Additives

European Council Directive 89/107/EEC provides for the establishment of authorized food additives in the European Union, which are listed on harmonized, positive lists. All additives not included on these positive lists are prohibited except for new food additives that receive a temporary two year authorization by Member States. This directive was converted in Belgian law by Royal Decree of 03/12/1991.

These lists of authorized food additives and approved conditions for their use, are published in three directives: (see www.favv.be)

1.1 European Parliament and Council Directive 94/35/EC on **sweeteners** for use in foodstuffs. The annex to this directive lists maximum usable doses for sweeteners in selected foodstuffs.

This directive was converted in Belgian law by Royal Decree of 02/17/1997.

1.2 European Parliament and Council Directive 94/36/EC on **colors** for use in foodstuffs.
Annex I: List of permitted food colors. Only substances listed in this annex may be used.
Annex II: Foodstuffs which may not contain added colors.
Annex III: Foodstuffs to which only certain permitted colors may be added.
Annex IV: Colors permitted for certain uses only.
Annex V: Colors permitted in general and the conditions of use. Colors permitted following the "quantum satis" principle (no maximum specified) are listed in the Appendix
This directive was converted into Belgian law by Royal Decree of 10/09/1996.

1.3 European Parliament and Council Directive 95/2/EC, as amended, the so-called **miscellaneous additives** directive on food additives other than colors and sweeteners.
Annex I: List of food additives permitted for use in foodstuffs (excl. those listed in Annex II) following the "quantum satis" principle.
Annex II: List of foodstuffs in which only a limited number of additives of Annex I may be used. These include cocoa and chocolate products, fruit juices and nectars, jam and jelly, dehydrated milk and cream, fruits and vegetables, rice, oils and fats, certain cheeses, minced meat, bread and pasta, wines and beer.
Annex III: List of conditionally permitted preservatives and antioxidants.
Annex IV: List of other permitted additives.
Annex V: List of permitted carriers and carrier solvents.
Annex VI: List of additives permitted in foods for infants and young children.
This directive was converted into Belgian law by Royal Decree of 03/01/1998.

All three of these directives and their lists can be downloaded from the FAS/USEU webpage www.useu.be/agri/additive.html.
A survey of authorized additives can be found at www.favv.be.

Labeling requirements for additives and flavorings are laid down in Directive 2001/13/EC (general labeling directive), Regulation 50/2000/EC (GM additives) and Directive 89/107/EEC.

The addition of a new food additive to the EU positive list is a lengthy process. However, any Member State can allow the domestic use of a new food additive on their territory for a two-year period. Companies are advised to submit an application to the Member State where they want to start using a new additive and simultaneously to the Commission. The Belgian procedure for authorization of a new additive is described in Royal Decree of 12/01/1977. This procedure should not take more than ninety days upon submission of a completed application form and after payment of the application fee, excluding the time needed for the applicant to deliver complimentary information requests. The procedure for inclusion of an additive in the EU positive list requires that a dossier be sent to the EU Scientific Committee and to the Commission. The EU Scientific Committee reviews a substance and has to give a positive opinion before the Commission can propose the addition to the positive list. The Scientific Committee review takes a minimum of one year; the procedure to adopt a substance proposed by the Commission takes at least 18 months.

To request two-year authorization for marketing of a new additive in Belgium, contact
Mrs. Christine Vinckx

Federal Public Service of Public Health
DG Animal, Plant and Food
State Administrative Center
Arcaden Building 3rd -6th floor
B-1010 Brussels
Tel. +32 210 48 37
e-mail: apf.food@health.fgov.be

2. Processing Aids

A list of extraction solvents allowed in the production of foodstuffs and food ingredients, along with their conditions of use has been established in Council Directive 88/344/EC. Conversion into Belgian law was by Royal Decree of 11/25/1991. *(* www.staatsblad.be *)*

3. Flavorings

Authorized flavorings in Belgium are established by Commission Decision of February 23, 1999. The European Commission has compiled a register of all flavoring substances authorized in the different EU Member States. Substances which are subject to restrictive or prohibitive measures in certain Member States have been noted. The register can be downloaded from the Internet in pdf-format at europa.eu.int/comm/food/fs/sfp/addit_flavor/flav17_en.pdf or in xls-format at europa.eu.int/comm/food/fs/sfp/addit_flavor/flavourings/flavor_en.html.

Section V. Pesticide and Other Contaminants

1. Pesticides in Horticultural and Arable Crop Products

EU pesticide legislation has not been fully harmonized. Community maximum residue levels (MRL's) take into account the work done by Codex Alimentarius and by the OECD but exceptions exist. An overview of all compounds for which harmonized MRL's have been developed are available from the FAS/USEU webpage www.useu.be/agri/pesticides.html.
The complete list of MRL/commodity combinations can be downloaded from the Commission's webserver at http://europa.eu.int/comm/food/fs/ph_ps/pest/index_en.htm. Pesticide MRL's for processed or composite products are based on the MRL's for the raw agricultural ingredients.

2. Residues in Animals and Animal Products

Maximum Residue Levels for veterinary pharmaceutical products in foodstuffs of animal origin were established in Council Regulation 2377/90. Updated lists for these MRL's are available at webpage http://dg3.eudra.org/F2/mrl/index.htm.

The monitoring of residues in animals and animal products is addressed separately in Council Directive 96/23/EC. This

directive covers the monitoring of the above-mentioned pesticide residues, and includes also the monitoring of residues of veterinary drugs and a wide range of other contaminants and undesired substances such as residues of growth promotants. The prohibition on the use of hormones in meat production is addressed in Council Directive 96/22/EEC.

The framework for the Belgian pesticide legislation was established by Royal Decree of 03/13/2000. The Belgian MRL/commodity combinations are listed in Annex 3 for plant derived foods and in Annex 4 for animal derived foods. MRL's on horticultural products are for unwashed produce. (www.staatsblad.be)

For the registration of a new pesticide in the EU, including the establishment of an MRL, an application needs to be prepared and reviewed by the relevant authorities and committees at Member State and EU level. Pesticides currently on the EU market are under review. As a result of the review, some 320 substances used in plant protection products will be withdrawn from the EU market in 2003 and a second list of around 150 substances is expected to be withdrawn soon thereafter. For pesticides which are not or no longer authorized at Community level, an import tolerance may be requested. Application dossiers are first submitted to a rapporteur Member State. The complete procedure is described on the Commission's webserver at http://europa.eu.int/comm/food/fs/ph_ps/pest/index_en.htm.

3. Other Contaminants

- Commission Regulation 194/97 sets EU harmonized levels for nitrates in spinach and lettuce (maximum nitrate levels in leafy vegetables are set for Belgium in Royal Decree of 02/15/1989 and amended by Royal decree of 03/18/1998) and for aflatoxin in peanuts, nuts, dried fruits, cereals and milk . This regulation was amended to also define authorized ochratoxin A levels in cereal products and raisins, and 3-monochloropropane-1,2-diol (3-MCPD) in a wide range of food products.
- For heavy metals, EU wide maximum levels exist in a wide range of food products. For Belgium, levels for heavy metals were fixed by Royal Decree of 12/02/1991.
- Maximum dioxin levels for products of animal origin and vegetable oils have also been established. Royal Decree of 05/19/2000 limited dioxin and PCB levels in dairy products, meat products and fish products in Belgium.

The maximum levels for all of these contaminants are available in the annex to Commission Regulation 466/2001, amended by Commission Regulations 2375/2001, 221/2002, 257/2002, 472/2002 and 563/2002. (http://www.useu.be/agri/pesticides.html)

Instructions for sampling for aflatoxins are published in Commission Directive 98/53/EC. Sampling methods for aflatoxin in spices, to be applied from February 28, 2003 onwards, were added in Commission Directive 2002/27/EC. All EU member states should apply the harmonized sampling plan for lead, cadmium, mercury and 3-MCPD since April 5, 2002 (Commission Directive 2001/22/EC - corrected by 2001/873/EC). The sampling plans for ochratoxin A (Commission Directive 2002/26/EC) and for dioxins (Commission Directive 2002/69/EC) should be applied by February 28, 2003.

Section VI. Other Regulations and Requirements

Certification and documentation requirements for shipments into EU member states differ depending on the product. For some product groups, requirements are harmonized but not for others. For most products the EU requires import licenses.

1. Animal Products

Import legislation has been harmonized for all main animal categories, including cattle, pigs, poultry, horses, goats and sheep, fish and even exotic birds. Non-harmonized animal categories include amphibians and reptiles, elk and deer and honeybees. Import of animal products is allowed from establishments on the lists of EU-approved establishments in recognized countries. The U.S. is recognized by the EU for nearly all animal products. Various U.S. agencies, including FSIS, APHIS, AMS, and FDA are involved in the listing process. Establishments are subject to EU inspections prior to listing and/or to occasional EU audits after listing. Exporters should be aware that getting a plant listed has been extremely difficult for the U.S. At present only two beef processors and no pork or poultry plants are approved. Health certificates corresponding to the animal category are required. Lists of EU approved establishments can be accessed through the FAS/USEU webpage www.useu.be/agri/estab.html.

For processed foods containing animal product, the situation is more complicated because there is no legislation specifying the percentage of dairy, egg, red meat or poultry meat that a foodstuff must contain to require certification. Products containing any amount of red meat or poultry meat must be certified. Certification of products containing egg products or dairy depends on the composition of the product. Belgian authorities request certification if the animal ingredient makes up 50 percent or more in weight or if it is an essential ingredient for that product.

The U.S. is not included on the European Commission's list of countries with processing systems and health standards equivalent to the EU for fishery products for human consumption or bivalve molluscs. These countries have a provisional clearance until December 31, 2003 and have not yet been audited by an EU inspection team. Fishery products from these countries may be subject to additional national legislation.
Each shipment must be accompanied by a health certificate using the model provided by Commission Decision 2001/67/EC for fishery products and by Commission Decision 96/333/EC for molluscs, echinoderms, tunicates and marine gastropods. In the U.S., both the Food and Drug Administration and the National Marine Fisheries Service have the authority to issue certificates for export to the EU. More details about requirements for fish exports to the EU are available on the webpage http://www.nmfs.noaa.gov/trade/EUCONTENTS.htm.

2. Plant products

For fruit and vegetable imports, generally import certificates are not required. However, phytosanitary certificates issued by APHIS are requested for fruit, vegetable and nut shipments to the EU. For processed fruit and vegetable products, APHIS issues export certificates. Imports of fruits and vegetables also need to meet the marketing standards for fruit and vegetables as listed in Council Regulation 2200/96. Trading standards and controls are described by Council Regulation 1148/2001. Import must also comply with CITES rules for endangered species.
(http://europa.eu.int/eur-lex/en/search/search_oj.html)

3. Other Processed Products

Documentation requirements and import regulations for other processed food products will depend on ingredients. In general, Council Directive 93/43/EEC laying down the rules of hygiene for foodstuffs further supplements Council Directive 89/397/EEC. These rules, as set out in the annex, must be observed at the time of preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale and supply of foodstuffs. Food businesses are required to use the HACCP system to ensure the safety of foodstuffs. (See

http://www.useu.be/agri/hygiene.html)

Some food products, including cocoa and chocolate, coffee and chicoree extracts, sugars, honey, fruit juices and similar products, fruit jam, jellies and marmalades, are subject to "vertical legislation. For these food categories, more information is available at the FAS/USEU webpage www.useu.be/agri/vertic.html.

Section VII. Other Specific Standards

1. Biotech Foods

On July 2, 2003, the European Parliament voted the labeling and traceability proposal, which may lead to the termination of the EU-wide moratorium on new biotech approvals since 1998. This proposal mandates labeling above a 0.9 percent threshold for adventitious presence of EU-approved biotech varieties. It is yet unclear when new approvals could start. In Belgium, the Biosafety Council (www.biosafety.be) is in charge of evaluating new biotech applications and to advice the Minister of Public Health and Consumer Affairs on new approvals.

2) Dietetic/Health Foods

Ministerial Decree of 03/21/2002 converted Commission Directive 2001/15/EC into Belgian law. This directive, which supplements the framework Council Directive 89/389/CEE, lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses. Further info is available on FAS/USEU webpage www.useu.be/agri/partnutr.html.

3) Organic Foods

Belgium applies Council Regulation 2092/91 which regulates the production and labeling of organic foods. It was supplemented by Regulation 1804/99 to include livestock production. All producers and importers must comply with this regulation and products must obtain EU-certification. For Belgium, products are certified by BLIK (www.blik.be) and ECOCERT (www.ecocert.be) and organic products carry the "Biogarantie" label. A list of U.S. organizations that comply to EU organic legislation can be found at the ECOCERT webpage.

Section VIII. Copyright and/or Trademark Laws

Copyright

Belgium and the U.S. are both members of the Universal Copyright Convention of Geneva. As a consequence, works by U.S. authors, copyrighted in the U.S., are also protected in Belgium.

Trademarks

Trademark registration in Belgium is based on Benelux legislation. Registration can be obtained for all 3 Benelux

countries (Belgium, Netherlands and Luxembourg) through one process. Applications for trademark registration in the Benelux can be sent to Benelux Merkenbureau (Benelux Trademark Office), Bordewijklaan 15, 2591 XR The Hague (Den Haag), located in The Netherlands, phone +31 70 349 11 11, fax +31 70 347 57 08, e-mail: info@bmb-bbm.org (Appendix). In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid. This trademark offers protection in nine EU countries that have signed the convention. (www.useu.be/agri/commu.html)

Since 1996, it has been possible to register Community trademarks in the European Union. The Community trademark was created by Council Regulation 40/94 and implemented by Commission Regulation 2868/95. This regulation creates a single, unified registration system covering the whole Community territory. An application for a Community trademark is filed either directly at the Harmonization Office or at a national industrial property office in a member state of the European Union.

Office for Harmonization in the Internal Market
Avenida de Aguilera, 20
03080 Alicante
Spain
Tel. (34-96) 513 93 33
Fax. (34-96) 513 13 44

Section IX. Import Procedures

Council Regulation 2913/92 establishes the Community Customs Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the 15 member states of the European Union form a customs union, meaning that all member states apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one member state, it can move freely throughout the EU. (See http://www.useu.be/agri/import.html and http://www.useu.be/agri/customs.html)

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings, the two following digits represent the CN subheadings. The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties: http://europa.eu.int/comm/taxation_customs/dds/en/tarhome.htm. It is also possible to obtain Binding Tariff Information (BTI) from a member state's customs authority to get the proper product classification. Through this system, traders know in advance the tariff classification of the goods they intend to import. BTI is legally binding in all the member states. A list of customs authorities can be found on the Internet at http://europa.eu.int/comm/taxation_customs/databases/bti/EN.pdf. The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Goods are only released after payment of the import duty and other taxes that may be due. Duties payable on goods imported into the EU may include:

- import duty (expressed as ad valorem tariffs or specific tariffs per unit weight/volume/number of pieces)

- additional duties on flour and sugar (processed products)
- entry price (fruit and vegetables)
- environmental taxes - not harmonized
- inspection fees - not harmonized
- Value Added Tax (VAT) - not harmonized
- excise duties (alcohol and tobacco) - not harmonized

A list of VAT rates applicable in the different member states can be found on the Internet at http://europa.eu.int/comm/taxation_customs/publications/info_doc/taxation/tva/taux_tva-2002-5-1en.pdf.

A list of excise duties applicable on alcoholic beverages and tobacco can be found at http://europa.eu.int/comm/taxation_customs/publications/info_doc/taxation/c4_excise_tables.pdf

Customs clearance

In application of Council Regulation 339/93/CEE, before clearing food shipments, Belgian customs advises the inspection service from the Belgian Federal Agency for the Safety of the Food Chain (FAVV), which executes veterinary or health inspections of the shipment and inspects the needed accompanying documentation (i.e., commercial invoice, bill of lading, the certificate of origin, the import and sanitary/phytosanitary certificate if need be). It is recommended that the U.S. exporter have customs clearance arranged by either a forwarding agent, importer/distributor or agent in the country of destination. More info on customs offices can be obtained through the links at the webpage www.fiscus.fgov.be or from:

Administratie der douane en accijnzen
RAC - Financietoren - bus 37
Kruidtuinlaan 50
B-1010 Brussels
Belgium

Dhr. Lieven Muylaert
Tel. ++32 (0)2/210.33.32
Fax ++32 (0)2/210.30.20
E-mail info.douane@minfin.fed.be

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all necessary documentation. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for their product. As this information is not readily available, exporters should contact their importer or the USDA Office of Agricultural Affairs in Brussels to obtain this information.

Appendix 1

1) All Belgian legislation is published in the Belgian official journal "Het Belgisch Staatsblad"/"Le Moniteur Belge". This journal is edited by the Federal Public Service Justice and can be consulted on-line at www.staatsblad.be or www.moniteur.be.

Federal Public Service Justice
Waterloolaan 115,
B-1000 Brussels
www.just.fgov.be

Information officer:
Nathalie Leclercq
Tel.: +32 2 542 71 64
Fax.: +32 2 542 70 39
E-mail: info@just.fgov.be

2) All Belgian food legislation is collected and available as a paid subscription on CD-rom by a specialized publisher Die Keure N.V.

Die Keure N.V.
Oude Gentweg 108,
B-8000 Brugge
Tel.: +32 50 47 12 72
Fax.: +32 50 33 51 54
e-mail: freddy.dhooge@diekeure.be
www.diekeure.be

3) European legislation can be found at http://europa.eu.int/eur-lex/en/search/search_oj.html

4) Belgian food legislation is updated by the Federal Public Service Public Health

Federal Public Service Public Health
DG Animals, Plants and Food
Rijksadministratief Centrum
Arcadengebouw, 3-6th floor
B-1010 Brussels
Tel.: +32 2 210 50 60
Fax.: +32 2 210 52 40
e-mail: apf.dg@health.fgov.be
www.health.fgov.be

5) Enforcement of food legislation and inspections, both veterinary and food, are the competence of :

Federal Agency for the Safety of the Food Chain (FAVV)
WTC III, 2de verdieping
Simon Bolivarlaan 30
B-1000 Brussel
Tel: +32 2 208 34 11

E-mail: Info@favv.be
www.favv.be

6) Belgian Customs

Administratie der douane en accijnzen
RAC - Financietoren - bus 37
Kruidtuinlaan 50
B-1010 Brussel
België

Information officer
Dhr. Lieven Muylaert
Tel. ++32 2 210 33 32
Fax ++32 2 210 30 20
E-mail info.douane@minfin.fed.be

Appendix 2

1) The Belgian federation of importers and distributors:

FEDIS
Sint-Bernardusstraat 60,
B-1010 Brussels
Tel.: +32 2 537 30 60
Fax.: +32 2 539 40 26
info@fedis.be
www.fedis.be

2) The Belgian federation of food distribution

Belgafood
Sint-Bernardusstraat 60,
B-1010 Brussels
Tel.: +32 2 537 30 60
Fax.: +32 2 539 40 26
belga@fedis.be

3) Organic certification in Belgium is carried out by two certification bodies:

ECOCERT Belgium
Av. de l'Escrime 85 Schermlaan
B-1150 Bruxelles - Brussel
Tel: +32 81 60 03 77
Fax: +32 81 60 03 13
e-mail: info@ecocert.be
www.ecocert.be

BLIK vzw
Statiestraat 164a
B-2600 Berchem
Tel: +32 3 287 37 50
Fax: +32 3 287 37 51
e-mail: info@blik.be
www.blik.be

4) For information on other federations, i.e. food industry federations, please contact the Office of Agricultural Affairs at the U.S. Embassy

Office of Agricultural Affairs
U.S. Embassy
Regentlaan, 27 Boulevard du Regent
B-1000 Brussels
Tel. : +32 2/508.24.37
Fax.: +32 2/508.21.48
e-mail: AgBrussels@fas.usda.gov